



DEPARTMENT OF BUSINESS AND INDUSTRY
NEVADA TRANSPORTATION AUTHORITY

MINUTES OF THE January 23, 2014 GENERAL SESSION

AGENDA

1. Call to Order

Chairman Andrew J. MacKay called the meeting to order at 9:40 a.m.

2. Roll Call

Present in Las Vegas: Chairman Andrew J. MacKay, Commissioner Monica B Metz, Commissioner George Assad, Administrative Attorney James Day, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, Compliance Audit Investigator Rene Revens for Chief of Enforcement Michael Bradford, and Senior Deputy Attorney General David Newton. Present in Reno: Deputy Commissioner Marilyn Skibinski.

3. Pledge of Allegiance

Compliance Audit Investigator Rene Revens led a recital of the Pledge.

4. Public Comment:

None.

5. Approval of Agenda

Administrative Attorney Jim Day requested Items 26, 35, 41, 57, and 66 be removed from consideration. He also indicated that Item 69 needs to be pulled as it has a pending PLTI that has not yet been resolved and that the Applicant for Item 73 requested it be heard at a subsequent meeting. Commissioner Metz requested Items 23 and 24 be removed from consideration and the hearings reset with specific notice to the Respondents outlining consequences for their failure to appear. Chairman MacKay noted Item 70 would be taken out of order to be heard following the Administrative Citations and Impounds. Approved 3-0 as modified.

6. Approval of the Minutes of the December 19, 2013 General Session

Approved 3-0.

7. Briefings from the Commissioners

Chairman MacKay recognized Vivian Macek for her efforts in getting the meeting Notice and Agenda sent out in a timely manner, in spite of the late changes. He thanked Marilyn Skibinski and Gina Reynolds for setting up the limousine driver licensing program and commended Enforcement Staff for their diligence during the recent CES event. Commissioner Metz echoed Chairman MacKay's comments. Commissioner Assad recognized Mr. David McKeon, Chairman of the Clark County Republican Party, and echoed comments regarding Staff efforts.

8. Briefing from the Deputy Commissioner

Deputy Commissioner Marilyn Skibinski thanked the Las Vegas and Reno Staff for their efforts during the extended absence of the Reno Administrative Assistant.

9. Report of Legal Counsel

Senior Deputy Attorney General David Newton stated the Royalty Petition for Judicial Review has been withdrawn. He also indicated Deputy Attorney General Christopher Eccles will no longer be assisting him with Authority matters as Mr. Eccles has been reassigned. Senior Deputy Attorney General Kim Arguello will now be Mr. Newton's back-up.

ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS

Items 10 through 56, with the exception of Items 23, 24, 26, 35 and 41, were considered collectively and approved 3-0.

- 10. Citation 16472** issued to Sunshine Yellow Taxi for a violation of NAC 706.228. (AJM)
- 11. Impound 2147** The impoundment pursuant to NRS 706.476 of a vehicle registered to U-Haul of Arizona. (AJM)
- 12. Impound 2148** The impoundment pursuant to NRS 706.476 of a vehicle registered to Rodney Perry. (AJM)
- 13. Impound 2229** The impoundment pursuant to NRS 706.476 of a vehicle registered to David Graham. (AJM)
- 14. Impound 2219 and Citation 16507** The impoundment pursuant to NRS 706.476 of the vehicle registered to and Citation 16507 issued to Glenn Nisidio for violations of NRS 706.386 and NRS 706.758. (AJM)
- 15. Impound 2006 and Citation 16759** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16759 issued to Israel Moran for violations of NRS 706.386 and NRS 706.758. (AJM)
- 16. Citation 16242** issued to Main Gate Towing Inc. d/b/a Titan Towing for a violation of NAC 706.247/49 CFR 382.305(a). (MBM)
- 17. Citations 16246 and 16247** issued to Medical Transport Co., LLC for violations of NAC 706.247/49 CFR 391.51(7)(i) (20 counts), NAC 706.247/49 CFR 382.305(a) and NAC 706.247/49 CFR 382.301(a). (MBM)
- 18. Citation 16341** issued to Mon Bel Ami for violations of NRS 706.386 (565 counts) and NRS 706.758 (565 counts). (MBM)
- 19. Citation 16429** issued to Rodney Perry for violations of NRS 706.386 and NRS 706.758. (MBM)
- 20. Citation 16474** issued to Pamela Stanislaio for a violation of NAC 706 as amended by LCB File No. R127-07. (MBM)

21. Citation 16535 issued to O'Briens Moving and Storage for a violation of NAC 706.203. (MBM)

22. Citation 16596 issued to Malik Alamudeen for violations of NAC 706.228 and NAC 706 as amended by LCB File No. R127-07. (MBM)

23. Citation 16598 issued to Ambachew Yenieneh for a violation of NAC 706.228. (MBM)
This item was removed from the Agenda prior to consideration.

24. Citation 16599 issued to Yared Tegegne for violations of NAC 706.228 and NAC 706.247/49 CFR 391.41. (MBM)
This item was removed from the Agenda prior to consideration.

25. Citation 16631 issued to B & E Inc. d/b/a SNAP Towing for violation of NAC 706.247/49 CFR 382.301(a) (3 counts). (MBM)

26. Citation 16691 issued to Samuel Azeke for a violation of NAC 706.228. (MBM)
This item was removed from the Agenda prior to consideration.

27. Citation 16714 issued to Anthony Villalpando for a violation of NAC 706.228. (MBM)

28. Citation TA 8-00046091 issued to Paul Nyaruba for violations of NAC 706.228 and NAC 706.329. (MBM)

29. Citation TA 8-00046414 issued to Osaretin Alvin Uwaifo for a violation of NAC 706.329. (MBM)

30. Impound 2081 The impoundment pursuant to NRS 706.476 of a vehicle registered to Juan Blanco. (MBM)

31. Impound 2215 The impoundment pursuant to NRS 706.476 of a vehicle registered to Exclusive Transportation, LLC. (MBM)

32. Impound 2251 The impoundment pursuant to NRS 706.476 of a vehicle registered to Cory Whitehill. (MBM)

33. Impound 2212 and Citation 16715 The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16715 issued to Marshall Gehring for violations of NRS 706.386 and NRS 706.758. (MBM)

34. Citation 16248 issued to Nevada North American for a violation of NAC 706.247/49 CFR 382.301(a). (GA)

35. Citations 16663 issued to Michael Mojo for violations of NAC 706 as amended by LCB File No. R127-07 and NAC 706.228. (GA)
This item was removed from the Agenda prior to consideration.

36. Citation 16719 issued to Cory Whitehill for violations of NRS 706.386 and NRS 706.758. (GA)

37. Citation 16721 issued to Juan Blanco / S & L Investments for violations of NRS 706.386 and NRS 706.758. (GA)

38. Citation 16724 issued to Danny Ray Bush for violations of NRS 706.386 and NRS 706.758. (GA)

39. Impound 2252 The impoundment pursuant to NRS 706.476 of a vehicle registered to Mary Theresa Rivera. (GA)

40. Impound 2254 and Citation 16758 The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16758 issued to Michael Kerew for violations of NRS 706.386 and NRS 706.758. (GA)

41. Citation 14160 issued to Edward Loudenclos III/Sunset Limousine for violations of NRS 706.386 and NRS 706.758.

This item was removed from the Agenda prior to consideration.

42. Citation 16295 issued to William D. Strauss/Sunshine Yellow Taxi for a violation of NAC 706.247/49 CFR 391.41.

43. Citation 16308 issued to Michael Shifa for a violation of NAC 706.228.

44. Citation 16307 issued to Kirubel Beyene for a violation of NAC 706.228.

45. Citation 16435 issued to Alpine Auto Service, Inc. d/b/a Alpine Towing for violation of NRS 706.311 and NAC 706.420.

46. Citation 16470 issued to Paul Seaman for a violation of NAC 706.374.

47. Citation 16496 issued to Advanced Home Health Care for violations of NRS 706.386 and NRS 706.758.

48. Citation 16497 issued to All Valley Home Care for violations of NRS 706.386 and NRS 706.758.

49. Citation 16697 issued to Mohamed Abdel-Ghany for a violation of NAC 706.228.

50. Citation 16713 issued to Mohamed Bedrie Hussien for violations of NAC 706.228 and NAC 706 as amended by LCB File No. R127-07(1).

51. Citation 16718 issued to Solomon Bekele Dadi for a violation of NAC 706.228.

52. Citation 16720 issued to Hans W. Bludav for violations of NAC 706.360 and NAC 706.228.

53. Citation 16723 issued to Mustapha Sebaa for a violation of NAC 706.228.

54. Citation 16755 issued to Ruslan Aronov for a violation of NAC 706.228.

55. Citation 16756 issued to Abiy Getahun for a violation of NAC 706.228.

56. Citation TA 8-00045303 issued to Amarech Woldemariam for a violation of NAC 706.228.

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE TOW CAR SERVICE**

- 57. Docket 12-11032** The Application of Sebastian Perez d/b/a SS Towing for a certificate of public convenience and necessity (“CPCN”) to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (MBM)

This item was removed from the Agenda prior to consideration.

- 58. Docket 13-03010** The Application of Israel Moran Garcia and Maribel Andres Cruz d/b/a Max Towing Service for a CPCN to provide tow car service by tow car vehicle within the State of Nevada. The Deputy Commissioner shall vacate the Application due to a citation being issued for violations of NRS/NAC 706 unless the Authority orders otherwise. Staff investigation concluded. (MBM)

Deputy Commissioner Skibinski summarized the procedural history of the Compliance Order. Chairman MacKay served as Hearing Officer for the Impound/Citation and detailed the stipulations and fines. Mr. Moran was present on behalf of the Applicant. Financial Analyst Yvonne Shelton served as Interpreter for Mr. Moran. Commissioner Metz expressed concern that Mr. Moran needs an interpreter and questioned who would be responsible for record keeping and safety compliance as records must be kept in English. She also expressed concern that the Applicant disregarded the Compliance Order. A discussion ensued with regard to maintenance of records and compliance. Record was made for Staff directive of unannounced operational inspection within 6 months and with one additional in the next 2 years. Authority declines 3-0 to Order that the Application be vacated.

- 59. Docket 13-10011** The Application of Juan A. Wong d/b/a J.A.W. Towing for a CPCN to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (AJM)

Chairman MacKay summarized the Application and indicated Staff support. Applications Manager Liz Babcock stated the operation will be out of Las Vegas. Approved 3-0.

- 60. Docket 13-10016** The Joint Application of David Kimball and Trevor Shipp for authority to sell and transfer and of Carl Saynay and Jason Thomas to purchase and acquire Las Vegas Parking Enforcement, Inc. d/b/a Red Rock Towing, a carrier authorized to provide tow car service within the State of Nevada under CPCN 7301. Staff investigation concluded. (GA)

Carl Saynay appeared on behalf of the Applicant. Applications Manager Liz Babcock summarized the Application and indicated Staff support. Approved 3-0.

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO PROVIDE CHARTER BUS SERVICE**

- 61. Docket 13-09007** The Application of Las Vegas Host, LLC d/b/a Midnight Star Transportation for a CPCN to provide charter bus service within the State of Nevada. Staff investigation concluded. (MBM)

Mr. Sanchez, Owner, appeared on behalf of the Applicant. Applications Manager Liz Babcock summarized the Application and indicated Staff support. Commissioner Metz noted a Protest filed by the Livery Operators Association. Kimberly Maxson-Rushton, Esq. appeared on behalf of the LOA. Approved 2-0 with Commissioner Assad abstaining.

PETITIONS FOR RECONSIDERATION

62. Docket 13-10014 Petition for Reconsideration of the Authority's September 16, 2013 Order in the matter of Citation 16296, issued to Gregory Miller/Lake Tahoe Taxi for violations of NRS 706.386 and NRS 706.758. Respondent requests that the final Order be set aside and a new hearing set. This Petition was considered at the Authority's November 2013 general session. Chairman MacKay summarized the request and indicated neither Mr. Miller nor his legal counsel was present. The Petition was denied by a vote of 3-0. Subsequent to the general session, the Authority Staff discovered an error in the mailing address used in noticing the Petitioner. Accordingly, Staff recommends that the Authority again consider the merits of the Petition, with proper notice to the Petitioner. (AJM)

Kevin Karp, Esquire appeared on behalf of Gregory Miller/Lake Tahoe Taxi and summarized his Petition. Chairman MacKay summarized the procedural history. Chairman MacKay indicated he was not inclined to reduce the fine amounts or reconsider the matter. Commissioners Metz and Assad agreed. Petition denied 3-0.

63. Docket 14-01014 Petition for Reconsideration of the Authority's November 21, 2013 Order in the matter of the impoundment (I-2149) pursuant to NRS 706.476 of a vehicle registered to Tahoe Elite Private Car Services Inc. and Citation 16431 issued to Pamela Cheung/Tahoe Elite for violations of NRS 706.386 and NRS 706.758. Respondent requests an opportunity to be heard with respect to the fines amounts, stating that she did not receive notice of the original consideration by the full Authority at the November 2013 general session. If reconsideration is granted, the Authority may immediately reconsider fine amounts during the instant general session. (GA)

Commissioner Assad summarized the matter and indicated he was not inclined to reduce the fine amounts or reconsider the matter. Respondent was not present. Petition denied 3-0.

64. Docket 14-01015 Petition for Reconsideration of the Authority's November 21, 2013 Order in the matter of the impoundment (I-2140) pursuant to NRS 706.476 of a vehicle registered to and Citation 16463 issued to Gregg Grieman for violations of NRS 706.386 and NRS 706.758. Respondent's filing alternatively requests adjustment of the fine amounts and/or that the prior Order be set aside and a new hearing scheduled. (AJM)

Greg Grieman was present in the Reno office. Chairman MacKay summarized the matter. A discussion ensued with regard to Mr. Grieman's understanding of the citation hearing proceedings. Chairman MacKay indicated he was not inclined to reduce the fine amounts or reconsider the matter. Petition denied 3-0.

65. Docket 14-01016 Petition for Reconsideration of the Authority's November 21, 2013 Order in the matter of Citation 16491, issued to North Lake Tahoe Express for violations of NRS 706.386 and NRS 706.758. Authority Staff and Petitioner jointly request that the final Order be set aside and a new hearing set, based upon a potential deficiency in noticing of the citation and November general session. Staff recommends that the Authority grant the Petition and reset the matter for hearing, with proper notice to the Respondent/Petitioner. (AJM)

Chairman MacKay summarized the matter, indicated support of the Petition, and requested the matter be reset for hearing. Petition approved 3-0.

APPEAL FROM TAXICAB AUTHORITY DECISION

66. Docket 13-09012 The Appeal pursuant to NAC 706.9914 by David Kingsley from the Order of the Taxicab Authority dated September 10, 2013 and titled "In the Matter of the Appeal of

David Kingsley, TA Permit No. 20872, Regarding Taxicab Authority Citation No. 43736.”
(AJM)

This item removed from Agenda prior to consideration.

FINANCIAL RATES AND TARIFFS

- 67. Docket 13-10019** The Application of Desert Portable Storage, LLC d/b/a PODS for approval of a tariff rate modification for services conducted under CPCN 3260. Staff investigation concluded.

Financial Analyst Lidia Aronova summarized the Application, indicated the PLTI date is January 28, 2014, and indicated Staff support with the exception of the promotional discounts. Tito Rodriguez was present on behalf of the Applicant. A lengthy discussion ensued with regard to the implementation of promotional discounts and federal preemption of state laws regulating certain types of property carriers. Tariff modification approved 3-0 with the exception of promotional discount page and conditioned on no PLTI's being filed by the deadline and granted.

- 68. Docket 13-12002** The Application of Earth Limousines, LLC d/b/a Earth Limos for approval of a tariff rate modification for charter limousine services conducted under CPCN 1108. Staff investigation concluded.

Lou Castro appeared on behalf of the Applicant. Chairman MacKay summarized and noted a Protest filed by the Livery Operators Association. Financial Analyst Lidia Aronova summarized the Application and indicated Staff support. Kimberly Maxson-Rushton, Esq. appeared on behalf of the LOA. A discussion ensued with regard to the rates and vehicle types. Commissioner Metz requested the economy-compact rate of \$32.00 to be referred back to Staff for further review and that said rate be modified and approved at \$35.00 in the interim. Approved 3-0 as modified.

- 69. Docket 13-12007** The Application of Integrity Taxi, LLC for approval of a tariff rate modification for taxicab and special services conducted under CPCN 1121. Staff investigation concluded.

Removed from Agenda prior to consideration.

- 70. Docket 13-12018** The Application of Bell Trans, Inc. for approval of a tariff rate modification for Tariff 2-A for airport transfer services conducted under CPCN 1023, Sub 1. Staff investigation concluded.

Jeffrey Silver, Esq. was present on behalf of the Applicant. Financial Analyst Lidia Aronova summarized the Application and indicated Staff support. Approved 3-0.

- 71. Docket 13-12019** The Application of Alpine Towing Service, Inc. d/b/a Alpine Towing for approval of a tariff rate modification for tow car services conducted under CPCN 7070. Staff investigation concluded.

Financial Analyst Lidia Aronova summarized the Application and indicated Staff support. Approved 3-0.

- 72. Docket 14-01003** The Application of Airline Limousine Corporation d/b/a Airline Shuttle Corp for approval of a tariff rate modification for special services conducted under CPCN 2050, Sub 4. Staff investigation concluded.

John Marushok appeared on behalf of the Applicant. Financial Analyst Lidia Aronova summarized the Application and indicated Staff support. Approved 3-0.

73. Docket 14-01004 The Application of Las Vegas Limousines, Inc. for approval of a tariff rate modification for charter limousine services conducted under CPCN 2258, Sub 5. Staff investigation concluded.

This item removed from Agenda prior to consideration.

APPLICATIONS FOR FULLY REGULATED CARRIERS

74. Docket 12-12022 –A The Application of AWG Ambassador, LLC d/b/a Ambassador Limousine for an expansion of the operating authority granted under CPCN 1041, Sub 4. Staff investigation concluded. (AJM)

Items 74 and 76 were considered collectively. Alan Waxler and Paul Servello, appeared on behalf of the Applicant. Chairman MacKay summarized the procedural history of both dockets. Applications Manager Liz Babcock indicated additional compliance items. A lengthy discussion regarding fleet limitations ensued among the Commissioners, the Applicant, Kimberly Maxson-Rushton, Esq. on behalf of SuperShuttle, and Jim Jimmerson, Esq. on behalf of Jacob Transportation. Commissioner Metz suggested temporary limitations be as follows: CPCN 1041 Sub 4 – use the authority outlined in CPCN 1089 – fleet restriction of 39 vehicles for special service and airport transfer. Item 76 – CPCN 2030 – use authority outlined in CPCN 2055 – fleet restriction of 16 for special service and airport transfer. Motion for approval to reflect Commissioner Metz’s modifications approved as modified 3-0. Matter remanded to Staff for analysis of market and recommendation for permanent fleet restrictions.

75. Docket 13-06025 The Application of Integrity Taxi, LLC for a CPCN to provide passenger transportation by taxicab within Nye County, Nevada on the one hand and points and places in the State of Nevada on the other and to provide special service/per capita transportation between Nye County, Nevada and Clark County, Nevada. The Presiding Officer will recommend that the matter be reopened and reconsidered for purposes of clarifying and potentially amending the authority granted and restrictions thereon. (MBM)

Jim Jimmerson, Esq. appeared on behalf of the Applicant. Commissioner Metz summarized the procedural history, clarified the special services authority type, and recommended a fleet limitation on vehicles used for special service. Mr. Jimmerson requested a higher number of vehicles. Amendment to Certificate approved 3-0.

76. Docket 13-07002 The Application of AWG Ambassador, LLC d/b/a. AWG Charter Services for an expansion of the operating authority granted under CPCN 2030, Sub 1. Staff investigation concluded. (AJM)

Considered with Item 74.

77. Docket 13-09008 The Application of Open Top Sightseeing Las Vegas, LLC for an expansion of operating authority granted under CPCN 2004, Sub 10. Staff investigation concluded. (AJM)

Kimberly Maxson-Rushton, Esq. appeared on behalf of the Applicant. Chairman MacKay summarized the Application and the outstanding compliance items. Also appearing was Greg Gilbert, Outside General Counsel for the Regional Transportation Commission of Southern Nevada. A general discussion ensued. Approved 3-0.

78. Docket 14-01012 The Request for a temporary discontinuance from January 10, 2014 through July 10, 2014 of services provided by Luxe Limo Services, LLC under Contract Carrier Permit MV 6137. Staff investigation concluded.

Chairman MacKay summarized the Request and reasoning for the discontinuance. Approved 3-0.

ORDERS TO SHOW CAUSE

79. Docket 13-03008 The Order to Show Cause issued to Cheep Cheep Movers, Inc. d/b/a Cheep Cheep Movers as to why CPCN 3245 should not be revoked. (MBM)

Commissioner Metz briefly summarized and indicated the docket has a very lengthy history. Chairman MacKay and Commissioner Assad stated they had read the recommendations contained in the draft Order. Hearing Officer recommendations approved 3-0—CPCN revoked.

80. Docket 13-11001 The Order to Show Cause issued to Roadrunner, Inc. dba Raine Family Towing as to why CPCN 7300 should not be revoked. (AJM)

Chairman MacKay briefly summarized and indicated his recommendation for suspension, no revocation, with fines to be assessed. Commissioner Metz suggested a specific date and time for the suspension. Chairman MacKay indicated the suspension date to be from 12:01 a.m. February 10, 2014 thru 11:59 p.m. February 16, 2014. Approved 3-0 as modified.

81. Docket 13-11014 The Order to Show Cause issued to Mollerup Van and Storage as to why CPCN 3084 should not be revoked. (AJM)

Chairman MacKay summarized and indicated no revocation necessary, with fines to be assessed. Commissioner Metz requested an update of company information be entered into the Authority database. Approved 3-0.

DISCUSSION ITEMS

82. Docket 13-08031 The Authority will discuss adding property-specific “convenience fee,” “access fee” or “loading fee” to tariffs as a pass-through fee akin to McCarran Airport AVI fees. Such fees are assessed by certain resort properties and/or their door staff—often at a rate of \$1.00 per passenger—for loading passengers. Currently, carriers are prohibited by NAC 706.311(1)(a) from collecting such fee from the passenger and passing the fee on to the charging resort entity. Item tabled from December 19, 2013 General Session. (AJM)

Chairman MacKay summarized the procedural history of the discussion item. Jim Jimmerson, Esq. discussed the steps taken to eliminate the exchange of fees. John Marushok, Frias Transportation, indicated his agreement with Mr. Jimmerson. Terry Flink, Las Vegas Limousines, echoed the comments of both. No further action necessary as collection by a carrier of any amount over tariff rates is currently covered and prohibited under NAC 706.311.

83. Public Comment

1:00 p.m. - Drew Ribar, commented on the contract between a certain law enforcement agency and tow operators for discounted tow rates and requested the Authority begin an investigation. Administrative Attorney Jim Day indicated he was already in conversation with Mr. Ribar.

4:35 p.m. - None.

84. Adjournment

Meeting was adjourned at approximately 4:40 p.m.